

REFERENCE TITLE: firearms; airport designated security area

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2609

Introduced by
Representative Nelson

AN ACT

AMENDING SECTIONS 13-3101, 13-3102, 13-3108, 13-3110 AND 13-3112, ARIZONA
REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3101, Arizona Revised Statutes, is amended to
3 read:

4 13-3101. Definitions

5 A. In this chapter, unless the context otherwise requires:

6 1. "AIRPORT DESIGNATED SECURITY AREA" MEANS ANY AREA WITHIN A
7 COMMERCIAL AIRPORT WHERE ACCESS BY DESIGNATION OF THE AIRPORT DIRECTOR OR THE
8 TRANSPORTATION SECURITY ADMINISTRATION IS RESTRICTED TO ONLY THE FOLLOWING:

9 (a) PERSONS WHO POSSESS VALID SECURITY CREDENTIALS.

10 (b) PERSONS WHO POSSESS A VALID AIRLINE PASSENGER BOARDING PASS AND
11 WHO HAVE SUCCESSFULLY COMPLETED ESTABLISHED SECURITY SCREENING PROCESSES.

12 ~~1-~~ 2. "Deadly weapon" means anything that is designed for lethal
13 use. The term includes a firearm.

14 ~~2-~~ 3. "Deface" means to remove, alter or destroy the manufacturer's
15 serial number.

16 ~~3-~~ 4. "Explosive" means any dynamite, nitroglycerine, black powder or
17 other similar explosive material, including plastic explosives. Explosive
18 does not include ammunition or ammunition components such as primers,
19 percussion caps, smokeless powder, black powder and black powder substitutes
20 used for hand loading purposes.

21 ~~4-~~ 5. "Firearm" means any loaded or unloaded handgun, pistol,
22 revolver, rifle, shotgun or other weapon that will expel, is designed to
23 expel or may readily be converted to expel a projectile by the action of an
24 explosive. Firearm does not include a firearm in permanently inoperable
25 condition.

26 ~~5-~~ 6. "Occupied structure" means any building, object, vehicle,
27 watercraft, aircraft or place with sides and a floor that is separately
28 securable from any other structure attached to it, that is used for lodging,
29 business, transportation, recreation or storage and in which one or more
30 human beings either are or are likely to be present or so near as to be in
31 equivalent danger at the time the discharge of a firearm occurs. Occupied
32 structure includes any dwelling house, whether occupied, unoccupied or
33 vacant.

34 ~~6-~~ 7. "Prohibited possessor" means any person:

35 (a) Who has been found to constitute a danger to himself or to others
36 pursuant to court order under section 36-540, and whose court ordered
37 treatment has not been terminated by court order.

38 (b) Who has been convicted within or without this state of a felony or
39 who has been adjudicated delinquent for a felony and whose civil right to
40 possess or carry a gun or firearm has not been restored.

41 (c) Who is at the time of possession serving a term of imprisonment in
42 any correctional or detention facility.

43 (d) Who is at the time of possession serving a term of probation
44 pursuant to a conviction for a domestic violence offense as defined in
45 section 13-3601 or a felony offense, parole, community supervision, work

1 furlough, home arrest or release on any other basis or who is serving a term
2 of probation or parole pursuant to the interstate compact under title 31,
3 chapter 3, article 4.

4 (e) Who is a prohibited possessor under 18 United States Code section
5 922(g)(5), except as provided by 18 United States Code section 922(y).

6 ~~7~~ 8. "Prohibited weapon" means, but does not include fireworks
7 imported, distributed or used in compliance with state laws or local
8 ordinances, any propellant, propellant actuated devices or propellant
9 actuated industrial tools that are manufactured, imported or distributed for
10 their intended purposes or a device that is commercially manufactured
11 primarily for the purpose of illumination, including any of the following:

12 (a) Explosive, incendiary or poison gas:

13 (i) Bomb.

14 (ii) Grenade.

15 (iii) Rocket having a propellant charge of more than four ounces.

16 (iv) Mine.

17 (b) Device that is designed, made or adapted to muffle the report of a
18 firearm.

19 (c) Firearm that is capable of shooting more than one shot
20 automatically, without manual reloading, by a single function of the trigger.

21 (d) Rifle with a barrel length of less than sixteen inches, or shotgun
22 with a barrel length of less than eighteen inches, or any firearm that is
23 made from a rifle or shotgun and that, as modified, has an overall length of
24 less than twenty-six inches.

25 (e) Instrument, including a nunchaku, that consists of two or more
26 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,
27 wire or chain, in the design of a weapon used in connection with the practice
28 of a system of self-defense.

29 (f) Breakable container that contains a flammable liquid with a flash
30 point of one hundred fifty degrees Fahrenheit or less and that has a wick or
31 similar device capable of being ignited.

32 (g) Chemical or combination of chemicals, compounds or materials,
33 including dry ice, that is placed in a sealed or unsealed container for the
34 purpose of generating a gas to cause a mechanical failure, rupture or
35 bursting of the container.

36 (h) Combination of parts or materials that is designed and intended
37 for use in making or converting a device into an item set forth in
38 subdivision (a) or (f) of this paragraph.

39 B. The items set forth in subsection A, paragraph ~~7~~ 8, subdivisions
40 (a), (b), (c) and (d) of this section do not include any firearms or devices
41 that are registered in the national firearms registry and transfer records of
42 the United States treasury department or any firearm that has been classified
43 as a curio or relic by the United States treasury department.

1 Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to read:
2 13-3102. Misconduct involving weapons; defenses;
3 classification; definitions
4 A. A person commits misconduct involving weapons by knowingly:
5 1. Carrying a deadly weapon without a permit pursuant to section
6 13-3112 except a pocket knife concealed on his person; or
7 2. Carrying a deadly weapon without a permit pursuant to section
8 13-3112 concealed within immediate control of any person in or on a means of
9 transportation; or
10 3. Manufacturing, possessing, transporting, selling or transferring a
11 prohibited weapon; or
12 4. Possessing a deadly weapon or prohibited weapon if such person is a
13 prohibited possessor; or
14 5. Selling or transferring a deadly weapon to a prohibited possessor;
15 or
16 6. Defacing a deadly weapon; or
17 7. Possessing a defaced deadly weapon knowing the deadly weapon was
18 defaced; or
19 8. Using or possessing a deadly weapon during the commission of any
20 felony offense included in chapter 34 of this title; or
21 9. Discharging a firearm at an occupied structure in order to assist,
22 promote or further the interests of a criminal street gang, a criminal
23 syndicate or a racketeering enterprise; or
24 10. Unless specifically authorized by law, entering any public
25 establishment or attending any public event and carrying a deadly weapon on
26 his person after a reasonable request by the operator of the establishment or
27 the sponsor of the event or the sponsor's agent to remove his weapon and
28 place it in the custody of the operator of the establishment or the sponsor
29 of the event for temporary and secure storage of the weapon pursuant to
30 section 13-3102.01; or
31 11. Unless specifically authorized by law, entering an election polling
32 place on the day of any election carrying a deadly weapon; or
33 12. Possessing a deadly weapon on school grounds; or
34 13. Unless specifically authorized by law, entering a nuclear or
35 hydroelectric generating station carrying a deadly weapon on his person or
36 within the immediate control of any person; or
37 14. Supplying, selling or giving possession or control of a firearm to
38 another person if the person knows or has reason to know that the other
39 person would use the firearm in the commission of any felony; or
40 15. Using, possessing or exercising control over a deadly weapon in
41 furtherance of any act of terrorism as defined in section 13-2301 or
42 possessing or exercising control over a deadly weapon knowing or having
43 reason to know that it will be used to facilitate any act of terrorism as
44 defined in section 13-2301.

1 16. CARRYING, POSSESSING OR EXERCISING CONTROL OVER A DEADLY WEAPON IN
2 AN AIRPORT DESIGNATED SECURITY AREA.

3 B. Subsection A, paragraph 1 of this section shall not apply to a
4 person in his dwelling, on his business premises or on real property owned or
5 leased by that person.

6 C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12, ~~and~~ 13 AND 16 of
7 this section shall not apply to:

8 1. A peace officer or any person summoned by any peace officer to
9 assist and while actually assisting in the performance of official duties; or

10 2. A member of the military forces of the United States or of any
11 state of the United States in the performance of official duties; or

12 3. A warden, deputy warden or correctional officer of the state
13 department of corrections; or

14 4. A person specifically licensed, authorized or permitted pursuant to
15 a statute of this state or of the United States.

16 D. Subsection A, paragraphs 3 and 7 of this section shall not apply
17 to:

18 1. The possessing, transporting, selling or transferring of weapons by
19 a museum as a part of its collection or an educational institution for
20 educational purposes or by an authorized employee of such museum or
21 institution, if:

22 (a) Such museum or institution is operated by the United States or
23 this state or a political subdivision of this state, or by an organization
24 described in 26 United States Code section 170(c) as a recipient of a
25 charitable contribution; and

26 (b) Reasonable precautions are taken with respect to theft or misuse
27 of such material.

28 2. The regular and lawful transporting as merchandise; or

29 3. Acquisition by a person by operation of law such as by gift, devise
30 or descent or in a fiduciary capacity as a recipient of the property or
31 former property of an insolvent, incapacitated or deceased person.

32 E. Subsection A, paragraph 3 of this section shall not apply to the
33 merchandise of an authorized manufacturer of or dealer in prohibited weapons,
34 when such material is intended to be manufactured, possessed, transported,
35 sold or transferred solely for or to a dealer, a regularly constituted or
36 appointed state, county or municipal police department or police officer, a
37 detention facility, the military service of this or another state or the
38 United States, a museum or educational institution or a person specifically
39 licensed or permitted pursuant to federal or state law.

40 F. Subsection A, paragraph 1 of this section shall not apply to a
41 weapon or weapons carried in a belt holster ~~which holster~~ THAT is wholly or
42 partially visible, ~~or~~ carried in a scabbard or case designed for carrying
43 weapons ~~which scabbard or case~~ THAT is wholly or partially visible or carried
44 in luggage. Subsection A, paragraph 2 of this section shall not apply to a
45 weapon or weapons carried in a case, holster, scabbard, pack or luggage that

1 is carried within a means of transportation or within a storage compartment,
2 map pocket, trunk or glove compartment of a means of transportation.

3 G. Subsection A, paragraph 10 of this section shall not apply to
4 shooting ranges or shooting events, hunting areas or similar locations or
5 activities.

6 H. Subsection A, paragraph 3 of this section shall not apply to a
7 weapon described in section 13-3101, subsection A, paragraph ~~7~~ 8,
8 subdivision (e), if such weapon is possessed for the purposes of preparing
9 for, conducting or participating in lawful exhibitions, demonstrations,
10 contests or athletic events involving the use of such weapon. Subsection A,
11 paragraph 12 of this section shall not apply to a weapon if such weapon is
12 possessed for the purposes of preparing for, conducting or participating in
13 hunter or firearm safety courses.

14 I. Subsection A, paragraph 12 of this section shall not apply to the
15 possession of a:

16 1. Firearm that is not loaded and that is carried within a means of
17 transportation under the control of an adult provided that if the adult
18 leaves the means of transportation the firearm shall not be visible from the
19 outside of the means of transportation and the means of transportation shall
20 be locked.

21 2. Firearm for use on the school grounds in a program approved by a
22 school.

23 J. The operator of the establishment or the sponsor of the event or
24 the employee of the operator or sponsor or the agent of the sponsor,
25 including a public entity or public employee, is not liable for acts or
26 omissions pursuant to subsection A, paragraph 10 of this section unless the
27 operator, sponsor, employee or agent intended to cause injury or was grossly
28 negligent.

29 K. Misconduct involving weapons under subsection A, paragraph 9, 14 or
30 15 of this section is a class 3 felony. Misconduct involving weapons under
31 subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony.
32 Misconduct involving weapons under subsection A, paragraph 12 of this section
33 is a class 1 misdemeanor unless the violation occurs in connection with
34 conduct ~~which~~ THAT violates the provisions of section 13-2308, subsection A,
35 paragraph 5, section 13-2312, subsection C, section 13-3409 or section
36 13-3411, in which case the offense is a class 6 felony. Misconduct involving
37 weapons under subsection A, paragraph 5, 6, ~~or~~ 7 OR 16 of this section is a
38 class 6 felony. Misconduct involving weapons under subsection A, paragraph
39 1, 2, 10 or 11 of this section is a class 1 misdemeanor.

40 L. For the purposes of this section:

41 1. "Public establishment" means a structure, vehicle or craft that is
42 owned, leased or operated by this state or a political subdivision of this
43 state.

44 2. "Public event" means a specifically named or sponsored event of
45 limited duration THAT IS either conducted by a public entity or conducted by

1 a private entity with a permit or license granted by a public entity. Public
2 event does not include an unsponsored gathering of people in a public place.

3 3. "School" means a public or nonpublic kindergarten program, common
4 school or high school.

5 4. "School grounds" means in, or on the grounds of, a school.

6 Sec. 3. Section 13-3108, Arizona Revised Statutes, is amended to read:

7 13-3108. Firearms regulated by state; state preemption;
8 violation; classification

9 A. Except as provided in subsection C of this section, a political
10 subdivision of this state shall not enact any ordinance, rule or tax relating
11 to the transportation, possession, carrying, sale, transfer or use of
12 firearms or ammunition or any firearm or ammunition components in this state.

13 B. A political subdivision of this state shall not require the
14 licensing or registration of firearms or ammunition or any firearm or
15 ammunition components or prohibit the ownership, purchase, sale or transfer
16 of firearms or ammunition or any firearm or ammunition components.

17 C. This section does not prohibit a political subdivision of this
18 state from enacting and enforcing any ordinance or rule pursuant to state
19 law, to implement or enforce state law or relating to any of the following:

20 1. Imposing any privilege or use tax on the retail sale, lease or
21 rental of, or the gross proceeds or gross income from the sale, lease or
22 rental of, firearms or ammunition or any firearm or ammunition components at
23 a rate that applies generally to other items of tangible personal property.

24 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
25 or guardian or a certified hunter safety instructor or certified firearms
26 safety instructor acting with the consent of the minor's parent, grandparent
27 or guardian from knowingly possessing or carrying on the minor's person,
28 within the minor's immediate control or in or on a means of transportation a
29 firearm in any place that is open to the public or on any street or highway
30 or on any private property except private property that is owned or leased by
31 the minor or the minor's parent, grandparent or guardian. Any ordinance or
32 rule that is adopted pursuant to this paragraph shall not apply to a minor
33 who is fourteen, fifteen, sixteen or seventeen years of age and who is
34 engaged in any of the following:

35 (a) Lawful hunting or shooting events or marksmanship practice at
36 established ranges or other areas where the discharge of a firearm is not
37 prohibited.

38 (b) Lawful transportation of an unloaded firearm for the purpose of
39 lawful hunting.

40 (c) Lawful transportation of an unloaded firearm between the hours of
41 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship
42 practice at established ranges or other areas where the discharge of a
43 firearm is not prohibited.

1 (d) Any activity that is related to the production of crops,
2 livestock, poultry, livestock products, poultry products or ratites or
3 storage of agricultural commodities.

4 3. The use of land and structures, including a business relating to
5 firearms or ammunition or their components or a shooting range in the same
6 manner as other commercial businesses. Notwithstanding any other law, this
7 paragraph does not authorize a political subdivision to regulate the sale or
8 transfer of firearms on property it owns, leases, operates or controls in a
9 manner that is different than or inconsistent with state law. For the
10 purposes of this paragraph, a use permit or other contract that provides for
11 the use of property owned, leased, operated or controlled by a political
12 subdivision shall not be considered a sale, conveyance or disposition of
13 property.

14 4. Regulating employees or independent contractors of the political
15 subdivision who are acting within the course and scope of their employment or
16 contract.

17 5. Limiting firearms possession in parks or preserves of one square
18 mile or less in area to persons who possess a concealed weapons permit issued
19 pursuant to section 13-3112. The political subdivision shall post reasonable
20 notice at each park or preserve. The notice shall state the following:
21 "Carrying a firearm in this park is limited to persons who possess a permit
22 issued pursuant to section 13-3112, [ARIZONA REVISED STATUTES](#)". In parks or
23 preserves that are more than one square mile in area, a political subdivision
24 may designate developed or improved areas in which the political subdivision
25 may limit firearms possession to persons who possess a concealed weapons
26 permit issued pursuant to section 13-3112. The political subdivision shall
27 post reasonable notice at each designated developed or improved area. The
28 notice shall state the following: "Carrying a firearm in this developed or
29 improved area is limited to persons with a permit issued pursuant to section
30 13-3112, [ARIZONA REVISED STATUTES](#)". For the purposes of this paragraph,
31 "developed or improved area" means an area of property developed for public
32 recreation or family activity, including picnic areas, concessions,
33 playgrounds, amphitheaters, racquet courts, swimming areas, golf courses,
34 zoos, horseback riding facilities and boat landing and docking facilities.
35 Developed or improved area does not include campgrounds, trails, paths or
36 roadways except trails, paths and roadways directly associated with and
37 adjacent to designated developed or improved areas. Any notice that is
38 required by this paragraph shall be conspicuously posted at all public
39 entrances and at intervals of one-fourth mile or less where the park,
40 preserve or developed or improved area has an open perimeter. Any limitation
41 imposed by a political subdivision pursuant to this paragraph shall not apply
42 to a person:

43 (a) Engaged in a permitted firearms or hunter safety course conducted
44 in a park by a certified hunter safety instructor or certified firearms
45 safety instructor.

1 (b) At a properly supervised range, as defined in section 13-3107, at
2 a permitted shooting event, at a permitted firearms show or in a permitted
3 hunting area.

4 (c) Legally transporting, carrying, storing or possessing a firearm in
5 a vehicle.

6 (d) Going directly to or from an area where the person is lawfully
7 engaged in hunting, marksmanship practice or recreational shooting.

8 (e) Traversing a trailhead area in order to gain access to areas where
9 the possession of firearms is not limited.

10 (f) Using trails, paths or roadways to go directly to or from an area
11 where the possession of firearms is not limited and where no reasonable
12 alternate means of access is available.

13 6. Limiting or prohibiting the discharge of firearms in parks and
14 preserves except:

15 (a) As allowed pursuant to chapter 4 of this title.

16 (b) On a properly supervised range as defined in section 13-3107.

17 (c) In an area recommended as a hunting area by the Arizona game and
18 fish department and approved and posted as required by the political
19 subdivision's chief law enforcement officer. Any such area may be closed
20 when deemed unsafe by the political subdivision's chief law enforcement
21 officer or the director of the Arizona game and fish department.

22 (d) To control nuisance wildlife by permit from the Arizona game and
23 fish department or the United States fish and wildlife service.

24 (e) By special permit of the chief law enforcement officer of the
25 political subdivision.

26 (f) As required by an animal control officer in performing duties
27 specified in section 9-499.04 and title 11, chapter 7, article 6.

28 (g) In self-defense or defense of another person against an animal
29 attack if a reasonable person would believe that deadly physical force
30 against the animal is immediately necessary and reasonable under the
31 circumstances to protect oneself or the other person.

32 7. PROHIBITING FIREARMS IN AN AIRPORT DESIGNATED SECURITY AREA.

33 D. A violation of any ordinance established pursuant to subsection C,
34 paragraph 6 of this section is a class 2 misdemeanor unless the political
35 subdivision designates a lesser classification by ordinance.

36 Sec. 4. Section 13-3110, Arizona Revised Statutes, is amended to read:

37 13-3110. Misconduct involving simulated explosive devices;
38 classification; definition

39 A. A person commits misconduct involving simulated explosive devices
40 by intentionally giving or sending to another person or placing in a private
41 or public place a simulated explosive device with the intent to terrify,
42 intimidate, threaten or harass.

43 B. The placing or sending of a simulated explosive device without
44 written notice attached to the device in a conspicuous place that the device
45 has been rendered inert and is possessed for the purpose of curio or relic

1 collection, display or other similar purpose is prima facie evidence of THE
2 intent to terrify, intimidate, threaten or harass.

3 C. Misconduct involving simulated explosive devices is a class 1
4 misdemeanor.

5 D. ~~It~~ FOR THE PURPOSES OF this section "simulated explosive device"
6 means a simulation of a prohibited weapon described in section 13-3101,
7 SUBSECTION A, paragraph ~~7~~ 8, subdivision (a) or (f) that a reasonable person
8 would believe is such a prohibited weapon.

9 Sec. 5. Section 13-3112, Arizona Revised Statutes, is amended to read:

10 13-3112. Concealed weapons; qualification; application; permit
11 to carry; certificate of firearms proficiency;
12 training program; program instructors; report;
13 applicability; violation; classification

14 A. The department of public safety shall issue a permit to carry a
15 concealed weapon to a person who is qualified under this section. The person
16 shall carry the permit at all times when the person is in actual possession
17 of the concealed weapon and shall present the permit for inspection to any
18 law enforcement officer on request.

19 B. A person who fails to carry the permit at all times that the person
20 is in actual possession of a concealed weapon may have the permit suspended.
21 The department of public safety shall be notified of all violations of this
22 section and shall immediately suspend the permit. The permittee shall
23 present the permit to the law enforcement agency or the court. On
24 notification of the presentation of the permit, the department shall restore
25 the permit.

26 C. The permit of a person who is arrested or indicted for an offense
27 that would make the person unqualified under ~~the provisions of~~ section
28 13-3101, subsection A, paragraph ~~6~~ 7 or this section shall be immediately
29 suspended and seized. The permit of a person who becomes unqualified on
30 conviction of that offense shall be revoked. The permit shall be restored on
31 presentation of documentation from the court if the permittee is found not
32 guilty or the charges are dismissed. The permit shall be restored on
33 presentation of documentation from the county attorney that the charges
34 against the permittee were dropped or dismissed.

35 D. A person who fails to present a permit for inspection on the
36 request of a law enforcement officer is guilty of a class 2 misdemeanor. A
37 person shall not be convicted of a violation of this subsection if the person
38 produces to the court a legible permit that is issued to the person and that
39 was valid at the time the violation of this subsection occurred.

40 E. The department of public safety shall issue a permit to an
41 applicant who meets all of the following conditions:

42 1. Is a resident of this state or a United States citizen.

43 2. Is twenty-one years of age or older.

44 3. Is not under indictment for and has not been convicted in any
45 jurisdiction of a felony.

1 4. Does not suffer from mental illness and has not been adjudicated
2 mentally incompetent or committed to a mental institution.

3 5. Is not unlawfully present in the United States.

4 6. Satisfactorily completes a firearms safety training program
5 approved by the department of public safety pursuant to subsection 0 of this
6 section. This paragraph does not apply to:

7 (a) A person who is an active duty Arizona peace officer standards and
8 training board certified or federally credentialed peace officer or who is
9 honorably retired as a federal, state or local peace officer with a minimum
10 of ten years of service.

11 (b) A person who is an active duty county detention officer and who
12 has been weapons certified by the officer's employing agency.

13 (c) A person who is issued a certificate of firearms proficiency
14 pursuant to subsection X of this section.

15 F. The application shall be completed on a form prescribed by the
16 department of public safety. The form shall not require the applicant to
17 disclose the type of firearm for which a permit is sought. The applicant
18 shall attest under penalty of perjury that all of the statements made by the
19 applicant are true. The applicant shall submit the application to the
20 department with a certificate of completion from an approved firearms safety
21 training program, two sets of fingerprints and a reasonable fee determined by
22 the director of the department.

23 G. On receipt of a concealed weapon permit application, the department
24 of public safety shall conduct a check of the applicant's criminal history
25 record pursuant to section 41-1750. The department of public safety may
26 exchange fingerprint card information with the federal bureau of
27 investigation for federal criminal history record checks.

28 H. The department of public safety shall complete all of the required
29 qualification checks within sixty days after receipt of the application and
30 shall issue a permit within fifteen working days after completing the
31 qualification checks if the applicant meets all of the conditions specified
32 in subsection E of this section. If a permit is denied, the department of
33 public safety shall notify the applicant in writing within fifteen working
34 days after the completion of all of the required qualification checks and
35 shall state the reasons why the application was denied. On receipt of the
36 notification of the denial, the applicant has twenty days to submit any
37 additional documentation to the department. On receipt of the additional
38 documentation, the department shall reconsider its decision and inform the
39 applicant within twenty days of the result of the reconsideration. If
40 denied, the applicant shall be informed that the applicant may request a
41 hearing pursuant to title 41, chapter 6, article 10.

42 I. On issuance, a permit is valid for five years, except a permit that
43 is held by a member of the United States armed forces, including a member of
44 the Arizona national guard or a member of the reserves of any military
45 establishment of the United States, who is on federal active duty and who is

1 deployed overseas shall be extended until ninety days after the end of the
2 member's overseas deployment.

3 J. The department of public safety shall maintain a computerized
4 permit record system that is accessible to criminal justice agencies for the
5 purpose of confirming the permit status of any person who claims to hold a
6 valid permit issued by this state. This information and any other records
7 that are maintained regarding applicants, permit holders or instructors,
8 shall not be available to any other person or entity except on an order from
9 a state or federal court.

10 K. Notwithstanding subsection J of this section, it is a defense to
11 any charge for carrying a deadly weapon without a permit by a member of the
12 United States armed forces, including a member of the Arizona national guard
13 or a member of the reserves of any military establishment of the United
14 States, if the member was on federal active duty at the time the permit
15 expired and the member presents documentation indicating release from active
16 duty or reassignment from overseas deployment within the preceding ninety
17 days.

18 L. A permit issued pursuant to this section is renewable every five
19 years. Before a permit may be renewed, a criminal history records check
20 shall be conducted pursuant to section 41-1750 within sixty days after
21 receipt of the application for renewal. For the purposes of the first permit
22 renewal only, the permit holder is required to submit additional fingerprints
23 pursuant to this subsection. For the purposes of the second or subsequent
24 permit renewal, the permit holder is not required to submit additional
25 fingerprints pursuant to this subsection.

26 M. Applications for renewal shall be accompanied by a fee determined
27 by the director of the department of public safety.

28 N. The department of public safety shall suspend or revoke a permit
29 issued under this section if the permit holder becomes ineligible pursuant to
30 subsection E of this section. The department of public safety shall notify
31 the permit holder in writing within fifteen working days after the revocation
32 or suspension and shall state the reasons for the revocation or suspension.

33 O. An organization shall apply to the department of public safety for
34 approval of its firearms safety training program. The department shall
35 approve a program that meets the following requirements:

- 36 1. Is at least eight hours in length.
- 37 2. Is conducted on a pass or fail basis.
- 38 3. Addresses all of the following topics in a format approved by the
39 director of the department:
 - 40 (a) Legal issues relating to the use of deadly force.
 - 41 (b) Weapon care and maintenance.
 - 42 (c) Mental conditioning for the use of deadly force.
 - 43 (d) Safe handling and storage of weapons.
 - 44 (e) Marksmanship.
 - 45 (f) Judgmental shooting.

1 4. Is conducted by instructors who submit to a background
2 investigation, including a check for warrants and a criminal history records
3 check.

4 P. If approved pursuant to subsection O of this section, the
5 organization shall submit to the department of public safety two sets of
6 fingerprints from each instructor and a fee to be determined by the director
7 of the department of public safety. On receipt of the fingerprints and fee,
8 the department of public safety shall conduct a check of each instructor's
9 criminal history record pursuant to section 41-1750. The department of
10 public safety may exchange this fingerprint card information with the federal
11 bureau of investigation for federal criminal history record checks.

12 Q. The proprietary interest of all approved instructors and programs
13 shall be safeguarded, and the contents of any training program shall not be
14 disclosed to any person or entity other than a bona fide criminal justice
15 agency, except upon an order from a state or federal court.

16 R. If the department of public safety rejects a program, the rejected
17 organization may request a hearing pursuant to title 41, chapter 6,
18 article 10.

19 S. The department of public safety shall maintain information
20 comparing the number of permits requested, the number of permits issued and
21 the number of permits denied. The department shall annually report this
22 information to the governor and the legislature.

23 T. The director of the department of public safety shall adopt rules
24 for the purpose of implementing and administering the concealed weapons
25 permit program including fees relating to permits and certificates that are
26 issued pursuant to this section.

27 U. This state and any political subdivision of this state shall
28 recognize a concealed weapon, firearm or handgun permit or license that is
29 issued by another state or a political subdivision of another state if both:

- 30 1. The permit or license is recognized as valid in the issuing state.
31 2. The permit or license holder is all of the following:
32 (a) Not a resident of this state.
33 (b) Legally present in this state.
34 (c) Not legally prohibited from possessing a firearm in this state.

35 V. For the purpose of establishing mutual permit or license
36 recognition with other states, the department of public safety shall enter
37 into a written agreement if another state requires a written agreement.

38 W. Notwithstanding the provisions of this section, a person with a
39 concealed weapons permit from another state may not carry a concealed weapon
40 in this state if the person is under twenty-one years of age or is under
41 indictment for, or has been convicted of, a felony offense in any
42 jurisdiction, even if the person's rights have been restored and the
43 conviction is expunged, set aside or vacated.

44 X. The department of public safety may issue certificates of firearms
45 proficiency according to the Arizona peace officer standards and training

1 board firearms qualification for the purposes of implementing the law
2 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18
3 United States Code sections 926B and 926C). A law enforcement agency shall
4 issue to a law enforcement officer who has honorably retired a photographic
5 identification that states that the officer has honorably retired from the
6 agency. The chief law enforcement officer shall determine whether an officer
7 has honorably retired and the determination is not subject to review. A law
8 enforcement agency has no obligation to revoke, alter or modify the honorable
9 discharge photographic identification based on conduct that the agency
10 becomes aware of or that occurs after the officer has separated from the
11 agency.